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PERKINS COIE LLP P.O. BOX 2168 MENLO PARK, CA 94026			HUTTON JR, WILLIAM D	
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DATE MAILED: 03/16/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/023,010	Applicant(s) HADFIELD ET AL.	
	Examiner Doug Hutton	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) 1-15, 27-29 and 36-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-26 and 30-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's Response

In Applicant's Response dated 02/17/2006, Applicant provisionally elected the claims of Group III for examination, traversed the restriction requirement previously set forth in the Office Action dated 02/14/2005, and withdrew Claims 1-15, 27-29 and 36-62.

Election/Restrictions

Claims 1-15, 27-29 and 36-62 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction requirement in the reply filed on 02/14/2006.

Applicant's election with traverse of Invention III in the reply filed on 02/14/2006 is acknowledged. The traversal is on the grounds that all of the claims pertain to an invention related to document collaboration involving an original document and a replica document. Applicant supports the argument by observing that each of the identified inventions includes claims that may be found as claims in at least one other inventions. Thus, Applicant argues, there would be no serious burden on the examiner if restriction were not required. See *Response* – Page 17.

This is not found persuasive.

Every requirement to restrict has two aspects: 1) the reasons (as distinguished from a mere statement of conclusion) why each invention as claimed is either independent or distinct from the others; and 2) the reasons why there would be a serious burden on the examiner if restriction is not required (i.e., the reasons for insisting upon restriction therebetween).

With regard to first requirement, Invention I (Claims 48, 54-56 and 60-62) is related to Inventions II (Claims 1-15), III (Claims 16-26 and 30-35), IV (Claims 27-29) and V (Claims 40-47, 49-53 and 57-59) as a combination and subcombination as indicated in the Office Action dated 02/14/2005. Stated differently, Inventions II, III, IV and V are subcombinations of Invention I.

Inventions in this relationship are distinct if it can be shown that: (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability; and (2) the subcombination has utility by itself or in other combinations (MPEP §806.05(c)). As indicated in the Office Action dated 02/14/2005, both of these criteria are satisfied in the present application. Additionally, Inventions II, III, IV and V are patentably distinct because each invention includes limitations not found in the other inventions.

With regard to the second requirement, there would be a serious burden on the examiner if restriction is not required in that: 1) the inventions have acquired a separate status in the art because of their recognized divergent subject matter, as demonstrated

by the different classifications for the inventions; and 2) the searches required for each individual invention is not required for the other invention.

Thus, the requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

A portion of the references cited in the Information Disclosure Statement filed 01/31/2002 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because "Microsoft Office XP" does not list the publication date for the reference. The examiner has not considered, and has lined through, that portion of the Information Disclosure Statement as to the merits.

Applicant is advised that the date of any re-submission of any item of information contained in this Information Disclosure Statement or the submission of any missing elements will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Specification

The disclosure is objected to because of the following informalities:

- On Page 19, Paragraph 0079, the Specification recites, "*At step 812 the unedited replica is partitioned into segments, using the delimiter. Additional segments are also created for contiguous runs of matching bytes, for example, 7 bytes containing zero would be a segment.*" The examiner is unsure of what is meant by the given example. The examiner asks Applicant to either explain what is meant by the given example or amend the Specification to more clearly illustrate the example.
- The phrase "Once all the segments in the **edited** replica are built into the binary tree" on Page 19, Paragraph 0080 should be amended to – Once all the segments in the unedited replica are built into the binary tree – because the segments of the unedited replica are being built into the binary tree (see Page 19, Paragraph 0079, last sentence).
- On Page 20, Paragraph 0081, eighth sentence, a comma should be inserted between the terms "*replica*" and "*should*" so that the sentence is properly punctuated.
- The phrase "*h j ; k ,*" on Page 21, Paragraph 0091 should be amended to – h j ; k k – because that is the proper contents of the difference packet (see Page 21, Paragraph 0088).

Appropriate correction is required.

Claim Objections

Claim 16 is objected to because of the following informalities:

- The term “and” should be inserted between the two indented limitations because there are only two steps in the recited method.

Claim 18 is objected to because of the following informalities:

- As currently written, the term “*and*” in Line 4 is indented into a separate paragraph. The indentation should be removed so that the term “*and*” is placed after the semicolon in Line 3.

Claim 20 is objected to because of the following informalities:

- The phrase “*extracting said replica and **said editing privileges** from said EDF file*” in Line 5 should be amended to — extracting said replica and ~~said~~ editing privileges from said EDF file — because no “*editing privileges*” are previously mentioned in the claims. Alternatively, Applicant may amend the claim to depend from Claim 17.
- As currently written, the term “*and*” in Line 4 is indented into a separate paragraph. The indentation should be removed so that the term “*and*” is placed after the semicolon in Line 3.

Claim 21 is objected to because of the following informalities:

- The phrase “*wherein said replica is a **Word** document*” in Line 1 should be amended to — wherein said replica is a word processing document — to avoid the use of a trademark in the recited claim limitation. For purposes of examination, the examiner assumes that Applicant will make this amendment. If Applicant does not, then the examiner takes Official Notice Microsoft Word was a well-known word processing program used to create documents at the time the invention was made.

Claim 30 is objected to because of the following informalities:

- As currently written, the term “*and*” in Line 5 is indented into a separate paragraph. The indentation should be removed so that the term “*and*” is placed after the semicolon in Line 4.

Claim 34 is objected to because of the following informalities:

- the term “*w hen*” in Line 2 should be amended to — when — because it appears to be a typographic error.

Claim 35 is objected to because of the following informalities:

- The phrase “*for **distributing processing a plurality of comparisons***” in Line 1 should be amended to — for distributing the processing of a plurality of comparisons — so that the limitation reads more easily.

- The phrase “*a plurality of edited replicas at a plurality of contributing authors*” in Line 1 should be amended to — a plurality of edited replicas [[at]] edited by a plurality of contributing authors — because the “replicas” are edited by “contributing authors.”
- The semicolon at the end of Line 6 should be replaced with a colon because the subsequent limitations describe the “second computer systems” previously recited in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16-26, 30-32 and 35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 16-21:

The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that would not result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

In summary, Claim 16 recites a “*method for responding to a request to review a replica*” comprising “*editing a replica*” and “*creating a difference file using the replica and the edited replica.*” That is, the invention merely is a method for manipulating electronic data.

As currently recited, Claim 16 is directed to an abstract idea that does not produce a concrete, useful and tangible result in that nothing is done with the “*difference file*” after it is created. The “*difference file*” is neither printed into a hardcopy nor displayed via a monitor. Accordingly, there is no concrete, useful or tangible result of the invention recited in Claim 16.

The claim limitation reciting that the method is “*used on a computer*” (Claim 16, Line 1), does not obviate the rejection because the claim limitations, as a whole, do not produce a concrete, useful, and tangible result.

Claims 17-21 are dependent upon Claim 16 and add limitations that either merely specify types of data or further manipulate the data, and thus do not recite statutory subject matter.

Claims 22-26:

The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that would not result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

In summary, Claim 22 recites a *“method for generating a response to an unedited replica”* comprising *“forming a revised replica by editing the unedited replica,”* *“partitioning both the unedited replica and the revised replica,”* *“matching text of the unedited replica to text in the revised replica to form a block”* and *“creating a difference file comprising the block.”* That is, the invention merely is a method for manipulating electronic data.

As currently recited, Claim 22 is directed to an abstract idea that does not produce a concrete, useful and tangible result in that nothing is done with the *“difference file”* after it is created. The *“difference file”* is neither printed into a hardcopy nor displayed via a monitor. Accordingly, there is no concrete, useful or tangible result of the invention recited in Claim 22.

The claim limitation reciting that the method is *“used on a computer”* (Claim 22, Line 1), does not obviate the rejection because the claim limitations, as a whole, do not produce a concrete, useful, and tangible result.

Claims 23-26 are dependent upon Claim 22 and add limitations that either merely specify types of data or further manipulate the data, and thus do not recite statutory subject matter.

Claims 30-32:

The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that would not result in a practical application producing a

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concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

In summary, Claim 30 recites a “*data structure*” stored on a computer-readable medium, wherein the “*data structure*” comprises “*author identification data*” and a “*difference file*.” The subject matter of Claim 30 amounts to nonfunctional descriptive material in that the claim merely recites an arrangement of data.

The fact that the “*data structure*” is stored on a computer-readable medium does not make the subject matter statutory because it is **nonfunctional** descriptive material. Additionally, the claim does not recite a true “data structure,” as defined by the New IEEE Standard Dictionary of Electrical and Electronics Terms (5th ed. 1993) – “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The subject matter of the claim, as currently recited, is not designed to support specific data manipulation functions.

Claims 31 and 32 add limitations that merely specify types of data, and thus do not recite statutory subject matter.

Claim 35:

The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that would not result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

In summary, Claim 35 recites “*systems*” and “*modules*” for performing functions. The “*systems*” and “*modules*” comprise only software that perform the functions. Thus, the claimed invention is software per se and does not recite patentable subject matter.

Additionally, Claim 35 is directed to an abstract idea that does not produce a concrete, useful and tangible result in that nothing is done with the “*difference file*” after it is produced. The “*difference file*” is neither printed into a hardcopy nor displayed via a monitor. Accordingly, there is no concrete, useful or tangible result of the invention recited in Claim 35.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 30-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 30:

Claim 30 recites “*a difference file formed from using said edited replica*” (see Line 6). Throughout the Specification of the present invention, Applicant states that the

"difference file" is created using **both** the "edited replica" and the "unedited replica" (see Specification – Pages 19-22, Paragraphs 0079-0093).

Thus, as currently recited, Claim 30 is nonenabling in that the present invention does not disclose how to create a "difference file" using only the "edited replica."

Claims 31-34 are dependent upon Claim 30 and thus include the same problem.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 30-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30:

Claim 30 recites "*a difference file formed from using said edited replica*" (see Line 6). Throughout the Specification of the present invention, Applicant states that the "difference file" is created using **both** the "edited replica" and the "unedited replica" (see Specification – Pages 19-22, Paragraphs 0079-0093).

Thus, as currently recited, Claim 30 is indefinite in that the present invention does not disclose how to create a "difference file" using only the "edited replica."

Claims 31-34 are dependent upon Claim 30 and thus include the same problem.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16, 21 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Moody et al., U.S. Patent No. 5,890,177.

Claim 16:

Moody discloses *a method, using a computer system, for a collaborating author to respond to a request to review a replica of an original document sent by a managing author* (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system allows authors to send copies of original documents to editors), *said method comprising:*

- *editing said replica, said editing forming an edited replica* (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system allows editors to edit copies of original documents); *and*
- *creating a difference file using said replica and said edited replica* (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system creates paragraph sets illustrating differences between original documents and edits of original documents).

Claim 21:

Moody discloses *the method of Claim 16, wherein said replica is a Word document* (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system allows users to create word processing documents).

Claim 30:

Moody discloses *a data structure stored in a computer readable medium for providing an edited replica from a contributing author to a managing author* (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system allows editors to edit copies of original documents and transmit edited documents to authors), *said data structure comprising:*

- *data comprising an identification of said contributing author* (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that, when editors edit documents and return edited documents to the system, the edited documents include data identifying the editors); *and*
- *a difference file formed from using said edited replica* (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system creates consolidated markup documents comprising paragraph sets illustrating differences between original documents and edited documents).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-20 and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moody, in view of Serbinis et al., U.S. Patent No. 6,584,466.

Claim 17:

Moody discloses every limitation of Claim 16, as indicated in the above rejection.

Moody fails to expressly disclose *editing [that] is based on editing privileges set by said managing author.*

Serbinis teaches a collaborative Internet-based document management system that allows authors to: 1) create word processing documents; 2) upload the documents to the system for the purpose of allowing editors to access and manipulate the documents; and 3) set editing privileges for the editors (see Figures 1-12; see Column 1, Line 1 through Column 22, Line 12 – Serbinis teaches these limitations, as clearly indicated in the cited figures and text), for the purpose of allowing authors to fully control the documents they create. This teaching of Serbinis is equivalent to:

- *editing [that] is based on editing privileges set by said managing author.*

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Moody, to include:

- *editing [that] is based on editing privileges set by said managing author,*
for the purpose of allowing authors to fully control the documents they create, as taught in Serbinis.

Claim 18:

Moody discloses *the method of Claim 16, further comprising:*

- *generating a response file comprising data and said difference file (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system creates consolidated markup documents comprising the paragraph sets illustrating differences between original documents and edited documents and other data), said data comprising an item identifying said collaborating author (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that, when editors edit documents and return edited documents to the system, the edited documents include data identifying the editors).*

Moody fails to expressly disclose:

- *generating a response file comprising XML data; and*
- *encrypting said response file.*

Serbinis teaches a collaborative Internet-based document management system that allows authors and editors to: 1) generate files comprising XML data; 2) encrypt the files; and 3) transmit the files (see Figures 1-12; see Column 1, Line 1 through Column 22, Line 12 – Serbinis teaches these limitations, as clearly indicated in the cited figures and text), for the purpose of providing secure transmissions of data. This teaching of Serbinis is equivalent to:

- *generating a response file comprising XML data; and*
- *encrypting said response file.*

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Moody, to include:

- *generating a response file comprising XML data; and*
- *encrypting said response file,*

for the purpose of providing secure transmissions of data, as taught in Serbinis.

Claim 19:

Moody fails to expressly disclose *XML data further compris[ing] a unique identifier identifying said response file.*

Serbinis teaches a collaborative Internet-based document management system that allows editors to edit original documents, modify the documents and return the

edited documents to the system, wherein the edited documents are assigned new identifiers (see Figures 1-12; see Column 1, Line 1 through Column 22, Line 12 – Serbinis teaches these limitations, as clearly indicated in the cited figures and text), for the purpose of tracking and storing versions of documents. This teaching of Serbinis is equivalent to:

- *XML data further compris[ing] a unique identifier identifying said response file.*

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Moody, to include:

- *XML data further compris[ing] a unique identifier identifying said response file,* for the purpose of tracking and storing versions of documents, as taught in Serbinis.

Claim 20:

Moody discloses *the method of Claim 16, further comprising:*

- *receiving an file* (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation, as clearly indicated in the cited figures and text).

Moody fails to expressly disclose:

- *receiving an **EDF** file; decrypting said EDF file; and*
- *extracting said replica and said editing privileges from said EDF file.*

Serbinis teaches a collaborative Internet-based document management system that allows authors to: 1) create word processing documents; 2) upload the documents to the system for the purpose of allowing editors to access and manipulate the documents; and 3) set editing privileges for the editors (see Figures 1-12; see Column 1, Line 1 through Column 22, Line 12 – Serbinis teaches these limitations, as clearly indicated in the cited figures and text), for the purpose of allowing authors to fully control the documents they create.

Serbinis also teaches a collaborative Internet-based document management system that allows authors and editors to: 1) generate files comprising XML data; 2) encrypt the files; and 3) transmit the files (see Figures 1-12; see Column 1, Line 1 through Column 22, Line 12 – Serbinis teaches these limitations, as clearly indicated in the cited figures and text), for the purpose of providing secure transmissions of data.

These teachings of Serbinis are equivalent to:

- *receiving an EDF file; decrypting said EDF file; and*
- *extracting said replica and said editing privileges from said EDF file.*

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Moody, to include:

- *receiving an EDF file; decrypting said EDF file; and*
- *extracting said replica and said editing privileges from said EDF file,*

for the purposes of allowing authors to fully control the documents they create and providing secure transmissions of data, as taught in Serbinis.

Claim 31:

Moody discloses every limitation of Claim 30, as indicated in the above rejection.

Moody fails to expressly disclose *data [that] is in eXtensible Markup Language (XML) format*.

Serbinis teaches a collaborative Internet-based document management system that allows authors and editors to: 1) generate files comprising XML data; 2) encrypt the files; and 3) transmit the files (see Figures 1-12; see Column 1, Line 1 through Column 22, Line 12 – Serbinis teaches these limitations, as clearly indicated in the cited figures and text), for the purpose of providing a flexible and extensible format for the data. This teaching of Serbinis is equivalent to:

- *data [that] is in eXtensible Markup Language (XML) format*.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Moody, to include:

- *data [that] is in eXtensible Markup Language (XML) format*,

for the purpose of providing a flexible and extensible format for the data, as taught in Serbinis.

Claim 32:

Moody discloses *data further compris[ing] an e-mail address for said contributing author* (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that communications between authors and editors include email addresses).

Claim 33:

Moody, in view of Serbinis, fails to expressly disclose/teach *[encrypting only the data] when said data structure is sent to said managing author via a communications network*. However, the examiner takes Official Notice that it was well-known in the art to partially encrypt files for transmission in order to provide some level of security without the cost of encrypting all traffic on the computer network.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Moody, in view of Serbinis, to include:

- *[encrypting only the data] when said data structure is sent to said managing author via a communications network,*

in order to provide some level of security without the cost of encrypting all traffic on the computer network, as was well-known in the art.

Claim 34:

Moody discloses:

- *sending said data structure to said managing author via a communications network* (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system allows editors to return edited documents to authors).

Moody fails to expressly disclose:

- *encrypting at least said difference file when said data structure is sent to said managing author via a communications network.*

Serbinis teaches a collaborative Internet-based document management system that allows authors and editors to: 1) generate files comprising XML data; 2) encrypt the files; and 3) transmit the files (see Figures 1-12; see Column 1, Line 1 through Column 22, Line 12 – Serbinis teaches these limitations, as clearly indicated in the cited figures and text), for the purpose of providing secure transmissions of data. This teaching of Serbinis is equivalent to:

- *encrypting at least said difference file when said data structure is sent to said managing author via a communications network.*

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Moody, to include:

- *encrypting at least said difference file when said data structure is sent to said managing author via a communications network,*

for the purpose of providing secure transmissions of data, as taught in Serbinis.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moody, in view of Hug et al., U.S. Patent No. 5,806,078.

Claim 35:

Moody discloses *a system for distributing processing of a plurality of comparisons between a replica sent by a managing author and a plurality of edited replicas at a plurality of contributing authors* (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system allows authors to send copies of original documents to editors), *comprising:*

- *a first computer system for creating said replica from said original document* (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody

discloses this limitation in that the document editing system allows authors to create copies of original documents);

- *a plurality of second computer systems for receiving said replica (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system allows editors to receive copies of original documents from authors), wherein each second computer system of said plurality of second computer systems comprises:*

- *a word processing module for editing said replica by a contributing author of said plurality of contributing authors to form an edited replica of said plurality of edited replicas (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system allows editors to edit copies of original documents),*

wherein the first computer system comprises a difference module for producing a difference file from said edited replica and said replica (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system creates paragraph sets illustrating differences between original documents and edits of original documents).

Moody fails to expressly disclose:

- *a second computer system comprising:*
 - *a difference module for producing a difference file from said edited replica and said replica.*

Hug teaches a document version management system comprising computers having word processing modules for editing documents and difference modules for producing files storing differences between versions of documents, for the purpose of saving storage space when storing edited documents (see Figures 1-64; see Column 1, Line 1 through Column 24, Line 18 – Hug teaches these limitations, as clearly indicated in the cited figures and text). This teaching of Hug is equivalent to:

- *a second computer system comprising:*
 - *a difference module for producing a difference file from said edited replica and said replica.*

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Moody, to include:

- *a second computer system comprising:*
 - *a difference module for producing a difference file from said edited replica and said replica,*

for the purpose of saving storage space when storing edited documents, as taught in Hug.

Claims 22 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moody, in view of Aiken, U.S. Patent No. 6,658,626.

Claim 22:

Moody discloses a *method, using a computer system, for generating a response to an unedited replica of an original document sent by a managing author to a contributing author for review* (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system allows editors to edit copies of original documents), *comprising:*

- *forming a revised replica by editing said unedited replica* (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system allows editors to edit copies of original documents);
- *partitioning said unedited replica into a first plurality of segments* (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system divides original documents into sections for comparison to sections of edits of original documents);
- *sorting segments of said first plurality of segments based on a comparison operator* (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system compares sections of original documents with sections of edits of original documents);
- *partitioning said revised replica into a second plurality of segments* (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system divides edits of original documents into sections for comparison to sections of original documents);

- *for a segment of said second plurality of segments, finding a best match to form a block of at least one matching byte (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system compares sections of edits of original documents with sections of original documents to find matches); and*
- *creating a difference file comprising said block (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system uses the comparisons to create paragraph sets illustrating differences between original documents and edits of original documents).*

Moody fails to expressly disclose:

- *sorting segments of said first plurality of segments **into a binary tree** based on a comparison operator; and*
- *for a segment of said second plurality of segments, finding a best match in said binary tree to form a block of at least one matching byte.*

Aiken teaches a document comparison routine that sorts segments of documents into binary trees and compares the documents for the purpose of facilitating document comparison. This teaching of Aiken is equivalent to:

- *sorting segments of said first plurality of segments into a binary tree based on a comparison operator; and*

- *for a segment of said second plurality of segments, finding a best match in said binary tree to form a block of at least one matching byte.*

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Moody, to include:

- *sorting segments of said first plurality of segments **into a binary tree** based on a comparison operator; and*
- *for a segment of said second plurality of segments, finding a best match in said binary tree to form a block of at least one matching byte,*

for the purpose of facilitating document comparison, as taught in Aiken.

Claim 24:

Moody discloses *a segment of said first plurality of segments [being] delimited by a delimiter* (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system divides original documents into sections for comparison to sections of edits of original documents).

Claim 25:

Moody discloses *[a] best match [that] comprises an exact match* (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in

that the document editing system performs document comparison at the line and word levels).

Claim 26:

Moody discloses *[a] best match [that] comprises a partial match* (see Figures 1-5; see Column 1, Line 1 through Column 14, Line 40 – Moody discloses this limitation in that the document editing system performs document comparison at the page and paragraph levels).

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moody, in view of Aiken, and further in view of Queen, U.S. Patent No. Re. 35,861.

Claim 23:

As indicated in the above rejection, Moody, in view of Aiken, discloses/teaches every limitation of Claim 22.

Moody, in view of Aiken, fails to expressly disclose/teach *extending said block by matching bytes on both sides of said block*.

Queen teaches a document comparison system that compares two versions of the same document by hashing the versions of the document, comparing the documents, establishing identity blocks having anchorpoints and expanding the identity

blocks outwardly from the anchorpoints (see Figures 1-5; see Column 1, Line 1 through Column 16, Line 18), for the purpose of identifying differences in the versions of the document. This teaching of Queen is equivalent to:

- *extending said block by matching bytes on both sides of said block.*

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Moody, in view of Aiken, to include:

- *extending said block by matching bytes on both sides of said block,*

for the purpose of identifying differences in the versions of the document, as taught in Queen.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Ching, U.S. Patent No. 6,560,620; and Hammack et al., U.S. Patent No. 6,449,624.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is 571-272-4137. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

WDH
March 8, 2006

A handwritten signature in black ink, appearing to read 'D. Hutton', with a stylized flourish at the end.

**DOUG HUTTON
PRIMARY EXAMINER
TECH CENTER 2100**